

ASSEMBLY BILL

No. 973

Introduced by Assembly Member Campos

February 18, 2011

An act to amend Section 68502.5 of, to add Section 68502.6 to, and to add Article 14 (commencing with Section 70142) to Chapter 5 of Title 8 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 973, as introduced, Campos. Trial courts: budget process: public meeting.

Existing law authorizes the Judicial Council, as part of its trial court budget process, to seek input from groups and individuals as it deems appropriate, including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include other considerations, including the receipt of budget requests from the trial courts.

This bill would require the presiding judge of the trial court, or his or her designee, before a trial court submits its budget request to the Judicial Council, to hold a public hearing on the trial court's proposed budget request, as specified. The bill would provide for notification of dates and locations at which the proposed budget request may be inspected by the public and the date, time, and location of the public hearing on the proposed budget request. The bill also would require a public meeting and public hearing if the trial court proposes to implement a change in service, as defined, and would require the presiding judge of the trial court, or his or her designee, to provide public notice of the public meeting and public hearing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68502.5 of the Government Code is
2 amended to read:
3 68502.5. (a) The Judicial Council may, as part of its trial court
4 budget process, seek input from groups and individuals as it deems
5 appropriate including, but not limited to, advisory committees and
6 the Administrative Director of the Courts. The trial court budget
7 process may include, but is not limited to, the following:
8 (1) The receipt of budget requests from the trial courts, *after*
9 *the public hearing required pursuant to Section 68502.6.*
10 (2) The review of the trial courts' budget requests and ~~evaluate~~
11 ~~them~~ *evaluation* against performance criteria established by the
12 Judicial Council by which a court's performance, level of
13 coordination, and efficiency can be measured.
14 (3) The annual adoption of the projected cost in the subsequent
15 fiscal year of court operations, as defined in Section 77003 for
16 each trial court. This estimation shall serve as a basis for
17 recommended court budgets, which shall be developed for
18 comparison purposes and to delineate funding responsibilities.
19 (4) The annual approval of a schedule for the allocation of
20 moneys to individual courts and an overall trial court budget for
21 forwarding to the Governor for inclusion in the Governor's
22 proposed State Budget. The schedule shall be based on the
23 performance criteria established pursuant to paragraph (2), on a
24 minimum standard established by the Judicial Council for the
25 operation and staffing of all trial court operations, and on any other
26 factors as determined by the Judicial Council. This minimum
27 standard shall be modeled on court operations using all reasonable
28 and available measures to increase court efficiency. The schedule
29 of allocations shall assure that all trial courts receive funding for
30 the minimum operating and staffing standards before funding
31 operating and staffing requests above the minimum standards, and
32 shall include incentives and rewards for any trial court's
33 implementation of efficiencies and cost saving measures.
34 (5) The reallocation of funds during the course of the fiscal year
35 to ensure equal access to the trial courts by the public, to improve

1 trial court operations, and to meet trial court emergencies. Neither
2 the state nor the counties shall have any obligation to replace
3 moneys appropriated for trial courts and reallocated pursuant to
4 this paragraph.

5 (6) The allocation of funds in the Trial Court Improvement Fund
6 to ensure equal access to trial courts by the public, to improve trial
7 court operations, and to meet trial court emergencies.

8 (7) Upon approval of the trial courts' budget by the Legislature,
9 the preparation during the course of the fiscal year of allocation
10 schedules for payments to the trial courts, consistent with Section
11 68085, which shall be submitted to the Controller's office at least
12 15 days before the due date of any allocation.

13 (8) The establishment of rules regarding a court's authority to
14 transfer trial court funding moneys from one functional category
15 to another in order to address needs in any functional category.

16 (9) At the request of the presiding judge of a trial court, an
17 independent review of the funding level of the court to determine
18 whether it is adequate to enable the court to discharge its statutory
19 and constitutional responsibilities.

20 (10) From time to time, a review of the level of fees charged
21 by the courts for various services and prepare recommended
22 adjustments for forwarding to the Legislature.

23 (11) Provisions set forth in rules adopted pursuant to Section
24 77206 of the Government Code.

25 (b) Courts and counties shall establish procedures to allow for
26 the sharing of information as it relates to approved budget proposals
27 and expenditures that impact the respective court and county
28 budgets. The procedures shall include, upon the request of a court
29 or county, that a respective court or county shall provide the
30 requesting court or county a copy of its approved budget and, to
31 the extent possible, approved program expenditure component
32 information and a description of budget changes that are anticipated
33 to have an impact on the requesting court or county. The Judicial
34 Council shall provide to the Legislature on December 31, 2001,
35 and yearly thereafter, budget expenditure data at the program
36 component level for each court.

37 (c) The Judicial Council shall retain the ultimate responsibility
38 to adopt a budget and allocate funding for the trial courts and
39 perform the other activities listed in subdivision (a) that best assure
40 their ability to carry out their functions, promote implementation

1 of statewide policies, and promote the immediate implementation
2 of efficiencies and cost saving measures in court operations, in
3 order to guarantee equal access to the courts.

4 SEC. 2. Section 68502.6 is added to the Government Code, to
5 read:

6 68502.6. (a) Before a trial court submits its budget request to
7 the Judicial Council, the presiding judge of the trial court, or his
8 or her designee, shall hold a public hearing on the trial court's
9 proposed budget request in a place conveniently accessible to the
10 residents of the county. The public hearing shall be held any day
11 on or before a regularly scheduled date set by the Judicial Council
12 for annual submission of budget requests, but not less than three
13 working days following availability of the proposed budget request
14 for public inspection.

15 (b) The hearing may be concluded on the proposed budget
16 request when there are no requests for further hearing on file, and
17 shall be concluded no later than a regularly scheduled date set by
18 the Judicial Council. The budget request shall not be submitted by
19 the trial court until after the public hearing has been held.

20 (c) Notification of the dates and the location or locations at
21 which the proposed budget request may be inspected by the public
22 and the date, time, and location of the public hearing on the
23 proposed budget request shall be published by the trial court in a
24 newspaper of general circulation in the county at least three days
25 prior to the availability of the proposed budget request for public
26 inspection. The same notice should be posted on the Internet Web
27 site of the trial court. The publication of the dates and the location
28 or locations shall occur no earlier than 45 days prior to the final
29 date for the hearing, according to the schedule set by the Judicial
30 Council, but not less than 10 days prior to the date set for the
31 hearing.

32 SEC. 3. Article 14 (commencing with Section 70142) is added
33 to Chapter 5 of Title 8 of the Government Code, to read:

34
35 Article 14. Changes in Service
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37 70142. (a) For purposes of this article, a "change in service"
38 means any scheduled change in trial court operations that reduces
39 services provided to the public, including, but not limited to, any
40 of the following:

1 (1) The closing of a courthouse for judicial business.

2 (2) A reduction in the number of hours a court or court self-help
3 center is open for business.

4 (3) A reduction in the number of regularly scheduled judicial
5 sessions held by a trial court.

6 (4) A reduction in the availability of telephone appearances for
7 litigants.

8 (5) A reduction in the availability of court interpreters.

9 (6) A reduction in access to court-provided services, such as
10 law libraries and court records, either due to restrictions on access
11 or changes in the time or location that services may be accessed.

12 (7) A reduction in courthouse security, in terms of places
13 covered and times of coverage.

14 (8) A reduction in the availability of alternative dispute
15 resolution procedures.

16 (b) Before implementing a change in service, the court shall
17 comply with the requirements of Section 70143.

18 70143. (a) (1) The presiding judge of the trial court, or his or
19 her designee, shall provide public notice of a public hearing at
20 which the trial court proposes to implement the change in service.
21 The trial court shall provide notice for a public meeting at the same
22 time and in the same document as the notice for the public hearing,
23 but the meeting shall occur prior to the hearing.

24 (2) The joint notice of both the public meeting and the public
25 hearing required by paragraph (1) with respect to a proposal for a
26 change in service shall be published by all of the following
27 methods:

28 (A) A display advertisement of at least one-eighth page in a
29 newspaper of general circulation for three weeks pursuant to
30 Section 6063.

31 (B) A first-class mailing to all interested parties who have filed
32 a written request with the trial court for mailed notice of public
33 meetings or hearings on changes in service.

34 (C) A prominent posting on the trial court's public Internet Web
35 site.

36 (3) The public meeting pursuant to paragraph (1) shall take
37 place no earlier than 10 days after the first publication of the joint
38 notice pursuant to paragraph (2). The public hearing shall take
39 place no earlier than seven days after that public meeting. The

1 public hearing shall take place no earlier than 45 days after the
2 first publication of the joint notice pursuant to paragraph (2).

3 (b) The joint notice required by subdivision (a) shall include,
4 but not be limited to, both of the following:

5 (1) A description of the change in service, including appropriate
6 background information regarding the service and the level of the
7 service the trial court has provided for the last five years.

8 (2) The estimated impact of the change in service on the public.

9 (c) At least 24 hours prior to the public meeting and public
10 hearing, the trial court shall post an agenda conforming to the
11 requirements of paragraph (1) of subdivision (a) of Section
12 54954.2, and limiting the matters that can be discussed at the
13 meeting or hearing in the same manner as provided in paragraph
14 (2) of subdivision (a) of Section 54954.2.

15 (d) (1) The meeting and hearing shall be open and public, and
16 all persons shall be permitted to attend. If a register, questionnaire,
17 or similar document is posted or circulated at a meeting, it shall
18 clearly state that completion of the document is voluntary and not
19 a precondition for attendance.

20 (2) The public has the right to provide testimony at both the
21 meeting and the hearing on any subject that will be considered
22 before or during the trial court's consideration of the item, to the
23 same extent as provided in Section 54954.3.

24 (3) (A) Any materials distributed in the meeting or hearing,
25 including an agenda or other writing, to the presiding judge or
26 other officials designated to conduct the meeting, are disclosable
27 to the public upon request, and shall be made available without
28 delay to members of the public.

29 (B) If the trial court records the meeting or hearing on video or
30 audio tape, the tape and a tape recorder shall be made available to
31 the public upon request.

32 (C) If the trial court prepares a transcript of the meeting or
33 hearing, a copy of the transcript shall be made available to the
34 public upon request.

35 (e) Neither the public meeting or public hearing required by
36 this section shall relieve the trial court of any obligation it may
37 have to meet and confer with the exclusive representative of trial

1 court employees concerning any matter within the scope of
2 representation.

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